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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

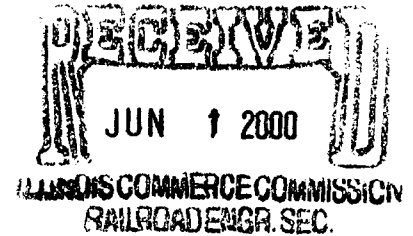
THE DEPARTMENT OF TRANSPORTATION OF )  
THE STATE OF ILLINOIS, for and in behalf )  
of the People of the State of Illinois, )

Petitioner, )

vs. )

BURLINGTON NORTHERN & SANTA FE )  
RAILWAY COMPANY, )

Respondent. )



No.: T 00-0027

Parcels 6058109PE and  
6058109TE

ANSWERS TO RESPONDENT'S  
FIRST SET OF INTERROGATORIES DIRECTED TO  
PETITIONER

Now comes respondent, the Burlington Northern and Santa Fe Railway Company, by its attorney, Kenneth J. Wysoglad & Associates and pursuant to 83 Illinois Administrative Code §200.360(c) and propounds the following interrogatories to be answered under oath by petitioner, the Department of Transportation of the State of Illinois, within twenty eight (28) days of service hereof;

1. State the full name, business address and title or position of the person or persons signing these answers to interrogatories and the name, business address, title and occupation of all persons who were consulted or provided information in response to any of these interrogatories.

ANSWER:

DOCKETED

Mr. David Kastendick  
Land Acquisition Engineer  
IDOT, District 6  
126 East Ash Street  
Springfield, Illinois 62704-4792

Consulted or provided information:

Mr. John Sestak,  
Construction Field Engineer  
IDOT, District 6  
126 East Ash Street  
Springfield, Illinois

Mr. John Baranzelli  
Project Engineer  
IDOT, District 6  
126 East Ash Street  
Springfield, Illinois

Ms. Karen Sparks  
Squad Leader  
IDOT, District 6  
126 East Ash Street  
Springfield, Illinois

Mr. Rick Petrone  
Bridge Design Engineer  
IDOT, BB&S  
2300 S. Dirksen Parkway  
Springfield, Illinois

Mr. Timothy A Armbricht  
Bridge Design Engineer  
IDOT, BB&S  
2300 S. Dirksen Parkway  
Springfield, Illinois

Mr. Marcus Christensen  
Bridge Planning Engineer  
IDOT, BB&S  
2300 Dirksen Parkway

Springfield, Illinois

Mr. Mike Copp  
Bridge Planning Engineer  
IDOT, BB&S  
2300 Dirksen Parkway  
Springfield, Illinois

2. Describe in detail the nature of the improvement project to Illinois Route 104 as referred to in petitioner's petition.

**ANSWER:**

The proposed improvement to Illinois Route 104 has a length of 1.32 miles and will include the following:

- a. Morton Avenue in Jacksonville, Illinois, which is marked Illinois Route 104, shall be widened to accommodate four through lanes and a center left-turn lane from the bridge over Mauvaise Terre Creek just west of Brooklyn Avenue east to the Burlington Northern and Santa Fe Railroad. This section of roadway will have five 12 foot wide lanes flanked by 6 foot wide paved shoulders and curb and gutter.
- b. The intersection of Illinois Route 104 and old US 36, just east of the Burlington Northern and Santa Fe Railroad, will be reconstructed to a three-legged intersection with signals and turn lanes for left and right turning movements.
- c. The existing two-lane bridge for eastbound traffic and the existing two-lane bridge for westbound traffic that carry Old US 36 (Morton Ave.) Over the Burlington Northern and Santa Fe Railroad will be removed and replaced with a single five-lane bridge for eastbound and westbound traffic. The five-lane bridge will be approximately located where the present two-lane bridge for westbound traffic is located.
- d. Old US 36 (Morton Avenue) from the proposed five-lane bridge over the Burlington Northern and Santa Fe Railroad east to Woods Lane (TR 188) shall be reconstructed. Old US 36 will be a five-lane roadway (four through lanes and a center left turn lane) that will split out into a four-lane roadway with a

median ditch separating the two-lanes for east bound traffic and the two-lanes for westbound traffic.

3. State in detail how or why the lands and premises described as shown on Exhibits A and B to the Petition are required as part of petitioner's improvement project.

**ANSWER:**

The temporary easement is required for access in order to remove the existing two-lane bridge carrying the eastbound lanes for Old US 36 over the Burlington Northern and Santa Fe Railroad. The permanent easement is required for access in order to remove the existing two-lane bridge carrying the westbound lanes for Old US 36 over the Burlington Northern Santa Fe Railroad. Also it is required for access in order to build the proposed five-lane bridge for Old US 36 over the Burlington Northern and Santa Fe Railroad and place stone riprap for slope protection.

4. State in detail how or for what purpose petitioner intends to utilize each of the parcels of property described in Exhibits A and B to the Petition.

**ANSWER:**

The temporary easement will be utilized to remove the existing two-lane bridge carrying the eastbound lanes for Old US 36 over the Burlington Northern and Santa Fe Railroad. The permanent easement will be utilized to remove the existing two-lane bridge carrying the westbound lanes for Old US 36 over the Burlington Northern and Santa Fe Railroad. Also it will be utilized to build the proposed five-lane bridge for Old US 36 over the Burlington Northern and Santa Fe Railroad and place stone riprap for slope protection.

5. Will the taking of respondent's property as described in petitioners petition require the relocation or alteration of any of respondent's railroad tracks or other facilities. If yes, please state:

- a. Each of respondent's track or facility that will require relocation or modification.

**ANSWER:**

No. Based on structure plans prepared by IDOT Bureau of Bridges and Structures and approved by the Burlington Northern and Santa Fe Railroad as to vertical and horizontal clearances.

6. Will the improvement project (either during construction or operation thereof) as identified in the Petition serve to disrupt, alter or otherwise restrict, either on a temporary or permanent basis, respondent's rail operation or common carrier service by railroad. If yes, please state:

- a. The nature of the disruption, alteration or restriction anticipated by petitioner;
- b. Whether such disruption, alteration or restriction will be permanent or temporary and, if temporary, the anticipated length of each such disruption, alteration or restriction.

**ANSWER:**

No. Based on information provided by Mr. John Sestak, who was the Resident Engineer on the Jacksonville Bypass project. That highway project was new construction on new alignment west of Jacksonville on this same rail line. No disruption of train traffic occurred during construction. None is anticipated here.

7. With respect to the improvement project referred to in the petition, state each safeguard plaintiff has in place or intends to put in place to ensure the safety and continuity of respondent's rail operation and common carrier service during construction of the improvement project and subsequent operation of said improvement.

**ANSWER:**

A Protective Shield System will be placed to protect railroad traffic and facilities from falling material or other objects during removal of portions of the existing bridges. The Department will require its contractor to obtain railroad Protection Liability Insurance. A flagger from the railroad will be paid for to inform the Department's contractor the schedule for railroad traffic daily.

8. State the dates petitioner intends to issue its bid letting and commence construction of the improvement project referred to in the petition.

**ANSWER:**

The original target letting date was June 16, 2000. The bid letting has been delayed to November 17, 2000 because of difficulties obtaining this property. Award of the contract will occur within 30-45 days of the letting. Construction should begin in the early part of the year 2001.

9. State the specific items that petitioner claims cannot be agreed on between petitioner and respondent with respect to the conveyance of the easements as alleged in paragraph 5 of the petition.

**ANSWER:**

Agreement has not been reached on compensation to be paid for the easements sought.

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for and in behalf  
of the People of the State of Illinois, Petitioner

James E. Ryan, Attorney General

By: 

Stanley L. Morris, Special  
Assistant Attorney General

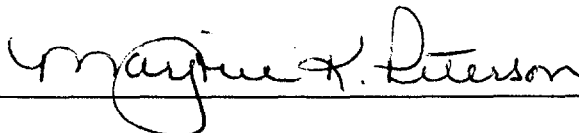
Stanley L. Morris  
3 North Old State Capital Plaza  
Springfield, Illinois 62701  
(217) 753-1133

**PROOF OF SERVICE**

The undersigned certifies that on 5-3-00, 2000, all counsel of record were served with a copy of the foregoing document at their respective addresses by the method indicated below:

- ☒ U.S. Mail  
☐ Personal Delivery  
☐ Facsimile  
☐ Overnight Courier

and that the original was filed with the Illinois Commerce Commission of the which this matter is pending.

  
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Mr. Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
118 S. Clinton Street, suite 700  
Chicago, Illinois 60661

AFFIDAVIT

State of Illinois                    )  
  )SS  
County of Sangamon            )

DAVID KASTENDICK, being first duly sworn on oath, deposes and states that he is a duly authorized agent for the Petitioner in the above-captioned matter; that he has read the foregoing document, and the answers made herein are true, correct and complete to the best of his knowledge and belief.

David J. Kastendick  
David Kastendick, Land Acquisition  
Engineer for the Illinois Department of  
Transportation

**SUBSCRIBED** and **SWORN** to before me, a notary public, this 25 day of  
May, 2000.

Patricia R. Nall  
Notary Public

